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NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PVT

Chandra Sanders, on Behalf of Herself
and All Others Similarly Situated,

Case No.

CV 08 1713

Plaintiff,

CLASS ACTION COMPLAINT

vs.

JURY TRIAL DEMANDED

Apple, Inc., a California Corporation;
and DOES 1 through 250, inclusive;

Defendants.

Plaintiff, Chandra Sanders ("Plaintiff"), individually and on behalf of the class described below, by her attorneys, makes the following allegations based upon information and belief, except as to allegations specifically pertaining to Plaintiff and her counsel, which are based on personal knowledge. Plaintiff brings this action for damages and injunctive relief against Defendant, demanding trial by jury.

CLASS ACTION COMPLAINT

NATURE OF THE ACTION

1
2 1. Plaintiff brings this action against Apple, Inc. ("Apple") to recover
3 damages and other relieve available at law and equity on behalf of herself as well as on
4 behalf of the members of the following class:

5 *All persons or entities located within the United States who*
6 *own a 20-inch Aluminum iMac.*

7 2. Apple is a leading manufacturer of personal computers and consumer
8 electronics. One of Apple's most successful products is a personal computer known as
9 the iMac, an "all-in-one" desktop computer that combines the monitor into the same case
10 as the CPU. Since its introduction in 1998, the iMac product line has undergone
11 numerous revisions and updates. These revisions have nearly always resulted in better,
12 faster and more capable iMacs usually at the same (or lower) price than the previous
13 iMac generation.

14 3. The most recent version of the iMac (referred to herein as the "Aluminum
15 iMac") was released in August of 2007. These new Aluminum iMacs are available in
16 two screen sizes: a model with a 20-inch active-matrix liquid crystal display (the "20-
17 inch Aluminum iMac") and a model with a 24-inch active-matrix liquid crystal display
18 (the "24-inch Aluminum iMac"). The 20-inch Aluminum iMac uses a Liquid Crystal
19 Display ("LCD") display that is significantly – as well as objectively – inferior to the
20 display used in the 24-inch Aluminum iMac. Not only is the LCD display in the 20-inch
21 Aluminum iMac inferior to the display used in 24-inch Aluminum iMacs, but it also is
22 significantly inferior to the display used in the previous generation of 20-inch iMacs – the
23 same iMacs that the 20-inch Aluminum iMac replaced.

24 4. The inferior display used in the 20-inch Aluminum iMac is cheaper to
25 manufacture, but those savings come at price. Due to the nature of the display
26 technology used, the displays for the 20-inch Aluminum iMacs have a narrower viewing
27 angle, have less color depth, are able to display fewer colors, have less color accuracy
28 and are more susceptible to washout across the screen.

5. Apple represents to consumers that the displays used in both the 20-inch Aluminum iMacs and the 24-inch Aluminum iMacs are capable of representing: “Millions of colors at all resolutions.” While the display technology used for the 24-inch Aluminum iMacs is capable of representing “millions of colors,” the inferior display technology used in 20-inch iMacs is only capable of displaying 262,144 true colors, not “millions of colors.”

6. This action arises from the fact that Apple failed to disclose that the LCD display used in the 20-inch Aluminum iMac is inferior to the display used in the 24-inch Aluminum iMac, is inferior to the display used in the previous generation of 20-inch iMacs that it replaced, and is not capable of natively displaying “millions of colors.”

THE PARTIES

7. Plaintiff Chandra Sanders is a citizen of Texas who owns a 20-inch Aluminum iMac.

8. Plaintiff is informed and believes and thereon alleges that defendant Apple, Inc. ("Apple") is a California corporation doing business in the State of California. Apple's corporate headquarters are located at One Infinite Loop, Cupertino, California 95014.

9. Plaintiff does not know the true names or capacities of the persons or entities sued herein as DOES 1 to 250, inclusive, and therefore sues such defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that each of the DOE defendants is in some manner legally responsible for the damages suffered by plaintiff and the members of the class as alleged herein. Plaintiff will amend this complaint to set forth the true names and capacities of these defendants when they have been ascertained, along with appropriate charging allegations, as may be necessary.

JURISDICTION AND VENUE

10. This Court has original jurisdiction over the claims asserted herein individually and on behalf of the class pursuant to 28 U.S.C. section 1332, as amended in February 2005 by the Class Action Fairness Act. Jurisdiction is proper because: (1) the

1 amount in controversy in this class action exceeds five million dollars, exclusive of
 2 interest and costs; (2) there is complete diversity of citizenship between Plaintiff and
 3 Apple; and (3) a substantial number of the members of the proposed class are citizens of
 4 a state different from defendant Apple.

5 11. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(a) and
 6 (c) in that Apple resides in this district and a substantial part of the events or omissions
 7 giving rise to the claim occurred in the Northern District of California.

8 FACTUAL ALLEGATIONS

9 12. Computers display digital images on monitors.

10 13. Digital images consist of "pixels." A pixel is the smallest part of a
 11 digitized picture. When all of the pixels are displayed in the correct location, a correct
 12 image is displayed on the monitor.

13 14. Each pixel is comprised of three "channels." Each channel corresponds to
 14 one of the three main colors used to display digital images: red, blue, and green

15 15. Each channel is comprised of a certain number of "bits." A bit is the
 16 smallest measure of digital information. A bit can take the value of either 0 or 1, or, in
 17 lay terms, "on" or "off." When a certain color is displayed for a particular pixel, certain
 18 bits in each channel will either be displaying the color or not. The particular combination
 19 of on and off bits in each channel results in the desired color for that pixel.

20 16. The number of bits in each pixel determines the total number of colors a
 21 computer monitor can physically display, this is called color depth. With a 6-bit monitor,
 22 each channel contains 6-bits, or 18-bits in total. Each of these bits can be in one of two
 23 states, on or off. For example, in the red channel, one potential variation is that 11 of the
 24 bits are in the on state. A second variation is that bit 1 is off and the rest are on. The
 25 result is that each channel is able to display 2^6 variations. Since there are three channels
 26 for each pixel, and each channel is able to display 2^6 variations, the total number of colors
 27 a 6-bit monitor can display equals $2^6 \times 2^6 \times 2^6$, or 262,144.

28 17. Higher quality monitors are able to display 8-bits per channel, or 24-bits in

1 total. The total number of colors an 8-bit monitor can display is equal to $2^8 \times 2^8 \times 2^8$, or
2 16,777,216.

3 18. The higher the number of colors a monitor can display, the more accurate
4 the on screen color will be to the "real life" colors digitally captured on the image. This
5 color accuracy is especially important in photo and video editing.

6 19. 6-bit monitors attempt to compensate for their inherent inferiority through
7 color simulation processes known as "dithering" and "frame rate control" (or "FRC").
8 The human brain can be "tricked" into seeing a particular color shade by using many
9 almost identical shades. In a small display area, the brain will average all of the present
10 colors creating the perception of the desired color shade. For example, dithering is a
11 process that uses a combination of adjacent pixels to produce the desired shade.
12 Similarly, the FRC process displays alternating shades of colors close to the desired
13 shade onto a single pixel. When done at a high speed this creates the illusion of the
14 desired color shade. While these processes are able to approximate the number of colors
15 possible on an 8-bit display, they are noticeable to many.

16 20. Emulation of "true colors" via dithering or FRC can cause the appearance
17 of transverse stripes in smooth color gradients. Even worse, these techniques can
18 completely fail on specific pictures, which may result in flickering. Both of these
19 problems are particularly crippling when displays using this technology are used for
20 image and video editing.

21 21. Because of its significant drawbacks, displays using dithering or FRC
22 technology are deemed by many to not be suitable for editing video or photos.

23 22. Apple specifically markets its 20-inch aluminum iMacs for editing movies
24 and photos, promising "graphics, photos, and videos [that] come alive with richer colors
25 and deeper blacks."

26 23. On August 7, 2007, Apple held a press event to announce the new
27 Aluminum iMacs. At the event, Apple's CEO, Steve Jobs, trumpeted the new glossy
28 displays used in the Aluminum iMacs, stating: "Our customers have told us that they love

1 the new glossy displays.” As a video behind Mr. Jobs played showing an image on the
 2 “old” iMac display slowly transforming into what it looked like on the new display, Mr.
 3 Jobs stated: “These were the pre-glossy displays and we removed some coatings and
 4 other things and give them their actual digital assets as they’re meant to be seen. For
 5 photos, for movies they look *way better* on these glossy, beautiful, crisp displays.” Mr.
 6 Jobs never revealed that a different, inferior, display technology was being used for the
 7 20-inch Aluminum iMacs. Nor did Mr. Jobs ever mention that the new 20-inch
 8 Aluminum iMacs used an objectively inferior display technology than what was found in
 9 the previous generation of 20-inch iMacs.

10 24. A press release issued by Apple on August 7, 2007 begins with the
 11 following sentence: “Apple today unveiled an all new all-in-one iMac line featuring
 12 *gorgeous 20- and 24-inch widescreen displays....*” (Emphasis added.) The press release
 13 goes on to state: “The new iMac’s 20- and 24-inch glossy widescreen displays provide
 14 incredibly crisp images, ideal for photos and movies....” Nowhere in the press release
 15 does Apple reveal that the 20-inch Aluminum iMac uses a significantly inferior display
 16 that the display found in the 24-inch Aluminum iMac. Nor does Apple reveal that the
 17 new 20-inch Aluminum iMacs used an objectively inferior display technology than what
 18 was found in the previous generation of 20-inch iMacs.

19 25. Most modern computer monitors are liquid crystal displays (“LCD”).
 20 These often come in two types. One common type of LCD monitor is based on a
 21 technology known as twisted nematic film (“TN”). This is the least expensive type of
 22 LCD monitor. TN LCD monitors are only capable of 6-bit color. A second type of LCD
 23 monitor is in-plane switching (“IPS”). IPS LCD monitors are capable of 8-bit color.

24 26. TN LCD monitors are more susceptible to “color washout,” or a significant
 25 degradation of color accuracy. This is especially true when these screens are looked at an
 26 angle.

27 27. The previous version of Apple’s 20-inch iMac contained an 8-bit IPS
 28 monitor. This monitor was capable of natively displaying the full 16,777,216 colors.

1 The 20-inch iMac Aluminum, unlike the previous 20-inch iMac and unlike the 24-inch
2 iMac Aluminum which both used an IPS LCD monitor, uses a 6-bit TN monitor, capable
3 of displaying only 262,144 colors.

4 28. In its marketing materials, Apple describes the display of both the 24-inch
5 and 20-inch iMac Aluminum models as though they were interchangeable, even though
6 the monitors in each are of radically different technology.

7 29. On its website, Apple states: "Whether you've got your eye on the 20-inch
8 or breathtaking 24-inch iMac, you'll enjoy a wondrous widescreen performance from
9 every seat in the house." Apple makes this representation without informing consumers
10 that the 20-inch iMac Aluminum uses inferior display technology.

11 30. On its website, Apple states: "No matter what you like to do on your
12 computer — watch movies, edit photos, play games, even just view a screen saver — it's
13 going to look stunning on an iMac." Apple makes this representation without informing
14 consumers that the 20-inch iMac Aluminum uses inferior technology, which is
15 particularly ill-suited to editing photographs because of the display's limited color
16 potential and the distorting effect of the color simulation processes.

17 31. On its website, Apple states: "Built-in 20-inch (viewable) or 24-inch
18 (viewable) glossy widescreen TFT active-matrix liquid crystal display." Apple makes
19 this representation without informing consumers that the 20-inch iMac Aluminum uses
20 inferior technology.

21 32. On its website, Apple states: "Millions of colors at all resolutions." Apple
22 makes this representation without differentiating between the 20-inch and the 24-inch
23 iMac Aluminum models. As to the 20-inch model, this representation is false as the 20-
24 inch iMac Aluminum's TN LCD monitor is only capable of displaying 262,144 true
25 colors, not "millions of colors."

26 33. Based on Apple's marketing statements, a reasonable consumer would have
27 no reason to suspect that the 20-inch iMac Aluminum contained vastly inferior LCD
28 technology from the 24-inch iMac Aluminum or the previous 20-inch iMac model.

CLASS ACTION ALLEGATIONS

34. Description of the Class: Plaintiff brings this nationwide class action on behalf of herself and a Class defined as follows:

All persons or entities located within the United States who own a 20-inch Aluminum iMac.

35. Excluded from the Class are governmental entities, Defendants, any entity in which Defendants have a controlling interest, and Defendants' officers, directors, affiliates, legal representatives, employees, co-conspirators, successors, subsidiaries, and assigns. Also excluded from the Class is any judge, justice, or judicial officer presiding over this matter and the members of their immediate families and judicial staff.

36. Plaintiff and the Class bring this action for equitable, injunctive and declaratory relief pursuant to subdivisions (b)(1), (b)(2) and (b)(3) of rule 23 of the Federal Rules of Civil Procedure.

37. Numerosity: The proposed Class is so numerous that individual joinder of all its members is impracticable. Due to the nature of the trade and commerce involved, however, Plaintiff believes that the total number of Class members is at least in the tens of thousands and members of the class are so numerous and geographically dispersed across the United States. While the exact number and identities of the Class members are unknown at this time, such information can be ascertained through appropriate investigation and discovery. The disposition of the claims of the Class members in a single class action will provide substantial benefits to all parties and to the Court.

38. Common Questions of Law and Fact Predominate: There are many questions of law and fact common to the representative Plaintiff and the Class, and those questions substantially predominate over any questions that may affect individual Class members. Common questions of fact and law include, but are not limited to, the following:

a. Whether Apple has failed to disclose to consumers the material fact that the 20-inch iMac Aluminum, marketed as though indistinguishable from the

1 24-inch iMac Aluminum, contains a 6-bit TN LCD monitor;

2 b. Whether or not Plaintiff and the members of the Class have been
3 damaged by the wrongs complained of herein, and if so, the measure of those
4 damages and the nature and extent of other relief that should be afforded;

5 c. Whether Apple engaged in unfair, unlawful and/or fraudulent
6 business practices;

7 d. Whether Apple failed to disclose material facts about the 20-inch
8 iMac Aluminum;

9 e. Whether Apple's statement that the 20-inch iMac Aluminum was
10 capable of "millions of colors" created an express warranty and whether Apple
11 breached that warranty; and

12 f. Whether Apple was unjustly enriched through the wrongs
13 complained of herein.

14 39. Typicality: Plaintiff's claims are typical of the claims of the members of
15 the class. Plaintiff and all members of the class have been similarly affected by
16 Defendant's common course of conduct since their printers acted in exactly same way.

17 40. Adequacy of Representation: Plaintiff will fairly and adequately represent
18 and protect the interests of the Class. Plaintiff has retained counsel with substantial
19 experience in prosecuting complex and class action litigation. Plaintiff and her counsel
20 are committed to vigorously prosecuting this action on behalf of the Class, and have the
21 financial resources to do so. Neither Plaintiff nor her counsel have any interests adverse
22 to those of the Class.

23 41. Superiority of a Class Action: Plaintiff and the members of the Class
24 suffered, and will continue to suffer, harm as a result of Defendant's unlawful and
25 wrongful conduct. A class action is superior to other available methods for the fair and
26 efficient adjudication of the present controversy. Individual joinder of all members of
27 the class is impractical. Even if individual class members had the resources to pursue
28 individual litigation, it would be unduly burdensome to the courts in which the individual

1 litigation would proceed. Individual litigation magnifies the delay and expense to all
 2 parties in the court system of resolving the controversies engendered by Defendant's
 3 common course of conduct. The class action device allows a single court to provide the
 4 benefits of unitary adjudication, judicial economy, and the fair and equitable handling of
 5 all class members' claims in a single forum. The conduct of this action as a class action
 6 conserves the resources of the parties and of the judicial system, and protects the rights of
 7 the class member. Furthermore, for many, if not most, class members, a class action is the
 8 only feasible mechanism that allows therein an opportunity for legal redress and justice.

9 42. Adjudication of individual class members' claims with respect to the
 10 Defendant would, as a practical matter, be dispositive of the interests of other members
 11 not parties to the adjudication, and could substantially impair or impede the ability of
 12 other class members to protect their interests.

13 FIRST CAUSE OF ACTION

14 Fraudulent Concealment

15 43. Plaintiff realleges the preceding paragraphs as if fully set forth herein and,
 16 to the extent necessary, pleads this cause of action in the alternative.

17 44. Apple knew at all material times that its 20-inch iMac Aluminum contained
 18 a 6-bit TN LCD monitor, and LCD monitor of inferior technology capable of displaying
 19 only 262,144 true colors, yet marketed the 20-inch iMac Aluminum as having a monitor
 20 indistinguishable from that of the superior one used in the 24-inch iMac Aluminum.

21 45. These facts were not known to Plaintiff and the Class.

22 46. Apple had a duty to disclose the above known material facts because Apple
 23 knew that these material facts were unknown to Plaintiff and the Class, because Apple
 24 was in a superior position of knowledge with regard to its own technology, and because
 25 Apple chose to make certain representations that presented only a part of the true story
 26 and misled consumers about the subject products.

27 47. Apple's knowledge that 20-inch iMac Aluminum contained an inferior TN
 28 LCD monitor, combined with Apple's knowledge that Plaintiff and the Class reasonably

1 relied upon Apple to communicate the true state of facts relating to its iMac Aluminum,
 2 creates a legal obligation on Apple's part to disclose to Plaintiff and the Class that its 20-
 3 inch iMac Aluminum contained an inferior TN LCD monitor.

4 48. Plaintiff and the Class were unaware of the above facts and would not have
 5 acted as they did if they had known of the concealed material facts.

6 49. Apple intentionally concealed and/or suppressed the above facts with the
 7 intent to defraud Plaintiff and the Class.

8 50. Apple's concealment of the above facts has caused damage to Plaintiffs and
 9 the Class in an amount to be shown at trial.

10 WHEREFORE, Plaintiff and the Class pray for relief as set forth below.

11 **SECOND CAUSE OF ACTION**

12 **Violation of California Business and Professions Code §17200 et. seq.**

13 51. Plaintiff realleges the preceding paragraphs as if fully set forth herein and,
 14 to the extent necessary, pleads this cause of action in the alternative.

15 52. Plaintiff has standing to pursue this claim as Plaintiff has suffered injury in
 16 fact and has lost money or property as a result of Apple's actions as delineated herein.

17 53. This cause of action is brought on behalf of all people of the State of
 18 California in accordance with the provisions of California Business & Professions Code
 19 section 17204. Class members have lost money or property as a result of Apple's actions
 20 as delineated herein, and the misrepresentations made by Apple were material to their
 21 decision on whether or not to purchase the product.

22 54. Apple's actions as alleged in this complaint constitute an unfair &
 23 deceptive practice within the meaning of California Business and Professions Code
 24 section 17200 in that Apple's actions are unfair, unlawful and fraudulent, and because
 25 Apple has made unfair, deceptive, untrue or misleading statements in advertising media,
 26 including the Internet, within the meaning of California Business and Professions Code
 27 sections 17500, et seq.

28 55. Apple's business practices, as alleged herein, are unfair because they offend

1 established public policy and/or are immoral, unethical, oppressive, unscrupulous and/or
2 substantially injurious to consumers in that consumers are not informed that Apple's 20-
3 inch iMac Aluminum contains an inferior TN LCD monitor.

4 56. Apple's business practices, as alleged herein, are unlawful because the
5 conduct constitutes false marketing and advertising, as well as the other causes of action
6 herein alleged.

7 57. The practices are fraudulent because they are likely to deceive consumers
8 into believing that that their 20-inch iMac Aluminum contained the same high quality
9 LCD monitor as the 24-inch iMac Aluminum when, in fact, it does not.

10 58. Apple's alleged wrongful business acts constituted, and constitute, a
11 continuing course of conduct of unfair competition since Apple is marketing and selling
12 their products in a manner that is likely to deceive the public.

13 59. Apple's business acts and practices, as alleged herein, have caused injury to
14 Plaintiff and the Class.

15 60. Pursuant to section 17203 of the California Business and Professions Code,
16 Plaintiff and the Class seek an order of this court enjoining Apple from continuing to
17 engage in unlawful, unfair, or deceptive business practices and any other act prohibited
18 by law, including those acts set forth in the complaint. Plaintiff and the Class also seek
19 an order requiring Apple to make full restitution of all moneys it wrongfully obtained
20 from Plaintiff and the Class.

21 WHEREFORE, Plaintiff and the Class pray for relief as set forth below.

22 **THIRD CAUSE OF ACTION**

23 **Breach of Express Warranty**

24 61. Plaintiff realleges the preceding paragraphs as if fully set forth herein and,
25 to the extent necessary, pleads this cause of action in the alternative.

26 62. There is an express warranty between Apple as the manufacturer and
27 plaintiff and the Class. The express warranty was created by Apple's affirmations in its
28 promotional materials that 20-inch iMac Aluminum was capable of displaying "millions

1 of colors.” These statements were made by the seller prior to and at the time of sale, for
 2 the purpose of assuring the buyer of the truth of the facts affirmed.

3 63. The failure of Apple’s 20-inch iMac Aluminum to natively display
 4 “millions of colors” is a breach of the express warranty upon which plaintiff and the class
 5 reasonably relied and which proximately caused plaintiff and the class’s injury

6 64. Timely notice of the breach to Apple is not required because this is an
 7 action against a manufacturer on a warranty that arises independently of a contract of
 8 sale.

9 WHEREFORE, Plaintiff and the Class pray for relief as set forth below.

10 **FOURTH CAUSE OF ACTION**

11 **Unjust Enrichment**

12 65. Plaintiff realleges the preceding paragraphs as if fully set forth herein and,
 13 to the extent necessary, pleads this cause of action in the alternative.

14 66. Apple has received money belonging to Plaintiff and the Class through the
 15 sale of 20-inch iMac Aluminum marketed as capable of displaying “millions of colors”
 16 and as having an LCD monitor that is of the same quality of that in the 24-inch iMac
 17 Aluminum when in fact the displays are only capable of displaying 262,144 colors and
 18 employ a technology that is demonstrably lesser quality than the technology employed by
 19 the 24-inch iMac display.

20 67. As a direct and proximate result of Apple’s misconduct as set forth above,
 21 Apple has been enriched at the expense Plaintiff and the Class.

22 68. Under principles of equity and good conscience, Apple should not be
 23 permitted to keep the full amount of funds it received from Plaintiff and the Class’s
 24 purchase of Apple’s 20-inch iMac Aluminum.

25 69. Apple should make restitution to Plaintiff and the Class.

26 WHEREFORE, Plaintiff and the Class pray for relief as set forth below.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, Plaintiff and members of the Class request that the Court enter an

1 order or judgment against the Defendant as follows:

- 2 1. Certification of the proposed class and notice thereto to be paid by
3 Defendant;
- 4 2. Adjudge and decree that Defendant has engaged in the conduct alleged
5 herein;
- 6 3. For restitution and disgorgement on certain causes of action;
- 7 4. For an injunction ordering Defendant to cease and desist from engaging in
8 the unfair, unlawful, and/or fraudulent practices alleged in the Complaint;
- 9 5. For compensatory and general damages according to proof on certain
10 causes of action;
- 11 6. For special damages according to proof on certain causes of action;
- 12 7. For both pre and post-judgment interest at the maximum allowable rate on
13 any amounts awarded;
- 14 8. Costs of the proceedings herein;
- 15 9. Reasonable attorneys fees as allowed by statute; and
- 16 10. Any and all such other and further relief that this Court may deem just and
17 proper.

18
19 DATED: March 31, 2008

KABATECK BROWN KELLNER LLP

20
21 By



Brian S. Kabateck
Richard L. Kellner
Alfredo Torrijos
Counsel for Plaintiff and the class

22
23
24 **CHITWOOD HARLEY HARNES LLP**

25 Gregory E. Keller (To be Admitted *Pro Hac Vice*)
26 Darren T. Kaplan (To be Admitted *Pro Hac Vice*)
Counsel for Plaintiff and the class


DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in the instant action.

DATED: March 31, 2008

KABATECK BROWN KELLNER LLP

By


Brian S. Kabateck
Richard L. Kellner
Alfredo Torrijos
Counsel for Plaintiff and the class

CHITWOOD HARLEY HARNES LLP

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Counsel for Plaintiff and the class

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JS 44 (Rev. 12/01) (and rev 1-16-08)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS CHANDRA SANDERS on Behalf of Herself and All Others Similarly Situated		DEFENDANTS APPLE, INC. a California Corporation; and DOES 1 through 250, inclusive
(b) County of Residence of First Listed Plaintiff Grimes County, Texas (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
(c) Attorney's (Firm Name, Address, and Telephone Number) See attachment		Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> 1 PTF <input type="checkbox"/> 1 DEF Incorporated or Principal Place of Business in This State
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input checked="" type="checkbox"/> 2 PTF <input type="checkbox"/> 2 DEF Incorporated and Principal Place of Business in Another State
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 PTF <input type="checkbox"/> 3 DEF Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Mediation Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employees' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 310 Motions to Vacate Sentence <input type="checkbox"/> 330 Habeas Corpus: <input type="checkbox"/> 330 General <input type="checkbox"/> 335 Death Penalty <input type="checkbox"/> 340 Mandamus & Other <input type="checkbox"/> 350 Civil Rights <input type="checkbox"/> 355 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeering Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 310 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Decision Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes		

V. ORIGIN (Place an "X" in One Box Only)		Transferred from		Appeals District	
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation
				<input type="checkbox"/> 7 Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC sec. 1332 et seq. Brief description of cause: Fraudulent Concealment, Viol. of Calif. Bus. & Prof. Code sec 17200 et seq., Breach of Express Warranty, Unjust Enrichment
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VII. REQUESTED IN COMPLAINT:	<input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION DEMAND \$	CHECK YES only if demand is in compliance with JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".
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IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AN "X" IN ONE BOX ONLY)	<input type="checkbox"/> SAN FRANCISCO/OAKLAND	<input checked="" type="checkbox"/> SAN JOSE
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DATE 3/28/08	SIGNATURE OF ATTORNEY OF RECORD
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Attachment to Civil Cover Sheet

Plaintiff's attorneys of Record

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